IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

OP.No. 13441 of 2002(S)

(AGAINST ORDER DATED 21/02/02 IN OA.144/2000 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH)
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PETITIONERS:
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1. **UNION OF INDIA,REPRESENTED BY THE SECRETARY,MINISTRY OF DEFENCE,NEW DELHI.**

2. **THE FLAG OFFICER COMMANDING-IN-CHIEF SOUTHERN NAVAL COMMAND,KOCHI-4.**

3. **THE CHIEF STAFF OFICER (P&A) SOUTHERN NAVAL COMMAND,KOCHI-4.**

4. **THE COMMANDING OFFICER,INS VENDURUTHY, NAVAL BASE,KOCHI-4**

BY ADV. SRI.JOHN VARGHESE, ASSISTANT SG
SRI.TPM.IBRAHIM KHAN,SENIOR PANEL COUNS

RESPONDENTS:
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1. **V.P.VARGHESE (EX-MALI,INS VENDURUTHY SOUTHERN NAVAL COMMAND,KOCHI-4) RESIDING AT VADASSERY HOUSE,KUZHIPPILLY,AYYAMPILLY P.O., ERNAKULAM DISTRICT.**

2. **THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.**

BY

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 10/10/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

ORDER ON C.M.P.NO.22569/2002 IN O.P.NO.13441/2002 S

DISMISSED

10/10/2007 **SD/- K.BALAKRISHNAN NAIR, JUDGE**

SD/-T.R.RAMACHANDRAN NAIR,JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE O.A.NO.144/2000 FILED BY THE 1ST RESPONDENT DTD. 7/02/2000.**

EXT.P2: **COPY OF REPLY STATEMENT IN O.A.NO.144/00 FILED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 8/06/2000.**

EXT.P3: **COPY OF THE INQUIRY REPORT FILED AGAINST THE FIRST RESPONDENT DTD. 22/03/95.**

EXT.P4: **COPY OF ORDER OF THE C.A.T, 2ND RESPONDENT DTD. 21/02/2002.**

/TRUE COPY/

P.S.TO JUDGE

KSS

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

O.P. NO. 13441/2002-S &

I.A.NO.12304/2007

Dated 10th October, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioners challenge Ext.P4 order of the Central Administrative Tribunal, Ernakulam Bench in favour of the 1st respondent herein. During the pendency of this O.P., the 1st respondent died on 19.5.2002. The petitioners came to know about the death of the 1st respondent, on receiving a letter dated 7.6.2002 from his widow Smt.Thresia Varghese. It is submitted that because of the delay in getting the details of the legal heirs, they could not be impleaded. Recently, on receiving notice from advocate Mr.V.R.Ramachandran Nair, it was noticed that the widow alone is the legal heir of the 1st respondent. So, the present I.A is filed to implead her as a respondent in this O.P.

2. We find that there is inordinate delay of five years in filing this application. Though the provisions of the Limitation Act as such may not

be applicable to writ petitions, the petitioners should have explained the delay satisfactorily in filing this I.A now. We notice that the delay is not properly explained. Therefore, we feel that at this distance of time, the widow should not be harassed by calling upon her to defend the impugned order. So, the I.A is dismissed. In view of the dismissal of the I.A., the Original Petition is also dismissed.

K.BALAKRISHNAN NAIR, JUDGE.

T.R.RAMACHANDRAN NAIR, JUDGE.

Nm/

K.BALAKRISHNAN NAIR &

T.R.RAMACHANDRAN NAIR, JJ.

O.P.NO.13441/2002 &

I.A.NO.12304/2007

JUDGMENT

10.10.2007.